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In re Application of:
MUSSLEWHITE, JEFFREY D., et al.
Application No. 09/524,117
Filed: 03/13/2000
Attorney Docket No. DLY-14

OFFICE OF PETITIONS
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DECISION GRANTING
PETITION

This is a decision on the renewed petition under 37 C.F.R. §1.10(c), filed on October 25, 2000, requesting that the above-identified application be accorded a filing date of March 13, 2000, rather than the presently accorded filing date of July 12, 2000.¹

Petitioner alleges that the application was deposited in Express Mail service on March 13, 2000. In support, the petition is accompanied by a copy of Express Mail receipt no. EH906694591US showing a "date in" of March 13, 2000 and a copy of the certificate of mailing used with this application that shows a matching Express Mail label number.²

In view of the above, *this petition is **granted**.*

This application will be returned to Initial Patent Examination Division for correction of the filing date to March 13, 2000.

Telephone inquiries concerning this matter may be directed to Petitions Attorney Scott M. Ledford in the Office of Petitions at (703) 306-5593.

Beverly Flanagan
Supervisory Petitions Examiner
Office of Petitions
Office of the Deputy Assistant Commissioner
for Patent Examination Policy

¹ Although Petitioner requests relief under 37 C.F.R. §1.181, the evidence is better tailored toward relief under 37 C.F.R. §1.10(c). Therefore, this decision treats the petition accordingly.

² Petitioner also included the application cover sheet, which indicates an Express Mail label number of EH9066945591US. The discrepancy between this number and the one given on the certificate of mailing and on the Express Mail label itself is presumed to be a typographical error. If this is an incorrect presumption, Petitioner must immediately notify the office. See, M.P.E.P. 2000